UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,898	08/01/2003	Philip Kwan	FOUND-0057 (034103-048)	9803

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FOUNDRY-THELEN REID BROWN RAYSMAN & STEINER LLP	**EXAMINER**	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *01 August 2003*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *01 August 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *2/23/2004 and 3/15/2007*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 23, 2004 and March

15, 2007 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by

Roese et al. (U.S. Patent Publication # 20030217151).

Consider **claim 1**, **Roese et al.** clearly disclose and show a method for providing multiple access modes (paragraph 50 (multiple access points)) in a data communications network (paragraph 8 (data network)), comprising: (a) sensing a user device (fig. 2 (step 210), paragraph 69, lines 7-10) coupled to a port of a network access device; (b) determining if said user device supports a user authentication protocol (paragraph 100 (802.1x to authenticate user for network access control)); and (c) placing said port into a semi-authorized access state (fig. 5 (steps 520, 525 (steps 520, 525, and 530 (not authenticated - access at selectable level option)); paragraph 112, lines 17-25) if it is determined that said user device does not support said user authentication protocol (fig. 5 (steps 520, 525)) ; wherein said semi-authorized access state limits access (fig. 5 (step 530 - access at selectable service levels)) by said user device to a pre-configured network accessible (fig. 5 (step 530 - access at selectable level option)) via the data communications network.

Consider **claim 11, Roese et al.** clearly disclose and show a network access device for providing multiple access modes, comprising: a plurality of input ports (fig.8 (106a & i), paragraph 27); a plurality of output ports (fig.8 (106g & f), paragraph 27); a switching fabric (fig. 1(136 – switching device), paragraph 27) for routing data received on said plurality of input ports to at least one of said plurality of output ports; and control logic (paragraph 100 (802.1x to authenticate user for network access control)) adapted to determine whether a user device coupled to one of said plurality of input ports supports a user authentication protocol (paragraph 100 (802.1x to authenticate user for

network access control)) used by a host network, and to place said one of said input

ports in a semi-authorized access state (fig. 5 (step 530 - access at selectable service

levels) if said authentication protocol is not supported(fig. 5 (steps 520, 525)); wherein

said semi-authorized access state limits access (fig. 5 (step 530 - access at selectable

service levels) by said user device to a pre-configured network (fig. 5 (step 530 - access

at selectable service levels) accessible via said host network.

Consider **claim 20, Roese et al.** clearly disclose and show a network system,

comprising: a host network that uses a user authentication protocol(paragraph 100

(802.1x to authenticate user for network access control); a network access device (fig. 8

(114g & f), paragraph 136 (entry device)) communicatively coupled to said host

network; and a user device (fig. 2 (step 210), paragraph 69, lines 7-10) coupled to a port

(fig.8 (106a & i), paragraph 27) of said network access device; wherein said network

access device is adapted to determine whether said user device supports said user

authentication protocol (paragraph 100 (802.1x to authenticate user for network access

control) and to place said port in a semi-authorized access state (fig. 5 (step 530 -

access at selectable service levels) if said user authentication protocol is not supported

(fig. 5 (steps 520, 525)); and wherein said semi-authorized access state limits access

(fig. 5 (step 530 - access at selectable service levels) by said user device to a pre-

configured network (fig. 5 (step 530 - access at selectable service levels) accessible via

said host network.

Consider **claim 2,** and **as applied to claim 1 above,**

> **claim 12,** and **as applied to claim 11 above,**

> **claim 21,** and **as applied to claim 20 above,**

Rosese et al. clearly disclose and show a method, wherein said pre-configured network

comprises a Voice over Internet Protocol (VoIP) network (paragraph 94, lines lines 1-6

(VOIP handsets)).

Consider **claim 3,** and **as applied to claim 1 above,**

> **claim 13,** and **as applied to claim 11 above,**

> **claim 22,** and **as applied to claim 20 above,**

Rosese et al. clearly disclose and show a method, wherein said pre-configured network

comprises the Internet (fig. 8 (148 internet), paragraph 82, lines 9-11).

Consider **claim 4,** and **as applied to claim 1 above,**

> **claim 14,** and **as applied to claim 11 above,**

> **claim 23,** and **as applied to claim 20 above,**

Rosese et al. clearly disclose and show a method, wherein said pre-configured network

comprises a low security (paragraph 15 (password), paragraph 74 (RADIUS, 802.1x for

authentication)) virtual local area network (paragraph 94, lines lines 1-6 (VLAN)).

Consider **claim 5,** and **as applied to claim 1 above,**

> **claim 15,** and **as applied to claim 11 above,**

claim 24, and **as applied to claim 20 above,**

Rosese et al. clearly disclose and show a method, wherein step (c) comprises

selectively placing said port into one of a plurality of semi-authorized access states (fig.

5 (step 530 - access at selectable service levels); paragraph 112, lines 17-25).

Consider **claim 6,** and **as applied to claim 5 above,**

claim 16, and **as applied to claim 15 above,**

claim 25, and **as applied to claim 24 above,**

Rosese et al. clearly disclose and show a method, wherein step (c) comprises: (1)

determining a type of said user device(fig. 2 (step 210), paragraph 69, lines 7-10) ; and

(2) selectively placing said port into one of a plurality of semi-authorized access states

(fig. 5 (step 530 - access at selectable service levels); paragraph 112, lines 17-25)

based on said type of said user device.

Consider **claim 7,** and **as applied to claim 6 above,**

claim 17, and **as applied to claim 16 above,**

claim 26, and **as applied to claim 25 above,**

Rosese et al. clearly disclose and show a method, wherein step (2) comprises

selectively placing said port into a semi-authorized access state that limits access by

said user device to a pre-configured network comprising a Voice over Internet Protocol

(VoIP) network (paragraph 94, lines lines 1-6 (VOIP handsets)).

Consider **claim 8,** and **as applied to claim 6 above,**

claim 18, and as applied to claim 16 above,

claim 27, and as applied to claim 25 above,

Rosese et al. clearly disclose and show a method, wherein step (2) comprises

selectively placing said port into a semi-authorized access state that limits access by

said user device to a pre-configured network comprising the Internet (fig. 8 (148

internet), paragraph 82, lines 9-11) if said user device is a portable computing device

(paragraph 52 (personal digital assistant or laptop computer)).

Consider claim 9, and as applied to claim 1 above,

claim 19, and as applied to claim 11 above,

claim 28, and as applied to claim 20 above,

Rosese et al. clearly disclose and show a method, wherein said user authentication

protocol is IEEE 802.1x (paragraph 74, page 9, lines 3-7 (IEEE 802.1x)).

Consider claim 10, and as applied to claim 1 above,

claim 29, and as applied to claim 20 above,

Rosese et al. clearly disclose and show a method, wherein said network access device

comprises a network switch (paragraph 95, lines 1-8 (network switches)).

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-
4100.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is (571) 272-
2600.

Sai-Ming Chan
S.C./ sc

Seema S. Rao
7/18/07

SEEMA S. RAO
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TECHNOLOGY CENTER 2600

July 17, 2007